

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS  
HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY,  
DECEMBER 7, 2004.

**Board Members Present:**     ***John F. Coates, Chairman***  
   ***Steven L. Walker, Vice-Chairman***  
   William C. Chase, Jr.  
   Sue D. Hansohn  
   James C. Lee  
   Steven E. Nixon  
   Brad C. Rosenberger

**Staff Present:**                     Frank T. Bossio, County Administrator  
   J. David Maddox, County Attorney  
   Valerie H. Lamb, Finance Director  
   John C. Egertson, Planning Director  
   Paul Howard, Director of Environmental Services  
   Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m. and asked that everyone stand for a moment of silence.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mrs. Hansohn led the Board and members of the audience in the Pledge of Allegiance to the Flag.

**RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS**

Mr. Frank Bossio, County Administrator, asked that item 7. **RE: FIRST RESPONDER DEMONSTRATION** be deleted.

Mr. Bossio referred to supporting documentation for items already on the agenda.

Mr. Walker asked that the following be added under **CLOSED SESSION**: Item 8. Under *Virginia Code §2.2-3711(A)(10)*, to consider advertising for nominees for the Culpeper Colonel Award.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**RE: MINUTES**

The minutes of the November 3, 2004 regular meetings were presented for the Board's consideration.

Mr. Walker moved, seconded by Mr. Lee, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**CONSENT AGENDA:**

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving a budget amendment for state funds received from the Division of Motor Vehicles from the sale of Animal Friendly License plates for the Animal Shelter to the Humane Society in the amount of \$765.00.
- b. The Board will consider approving acceptance of a grant and appropriate funds for the Airport from the Commonwealth of Virginia, Department of Aviation, for funds under the Aviation Promotion Program in the amount of \$3,500.00. Local match required is \$3,500.00 from the Airport's operating budget.
- c. The Board will consider approving acceptance of two grants from the Virginia Department of Health and appropriate the funding for the Sheriff's Office. The Sheriff's Office requested \$2,500.00, however, they were only granted \$500.00 and \$1,250.00. The first grant of \$500.00 will be used for child safety seats, and the second grant of \$1,250.00 will be used for smoke alarms, a police bike and funding to provide information through the media. No local match required.

Mr. Nixon moved, seconded by Mr. Walker, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**GENERAL COUNTY BUSINESS**

**INTRODUCTION OF NEW EMPLOYEE**

Mr. John Egertson, Planning Director, introduced Laura Loveday, the County's new Planning and Zoning Technician, and provided information on her education and background.

Mr. Coates welcomed Ms. Loveday to the County staff and the community.

**RE: UPDATE ON RAPPAHANNOCK GOODWILL INDUSTRIES, INC. (RGI)**

Mr. Woody Van Valkenburgh, Goodwill Industries' President and CEO, thanked the Board for the opportunity to provide an update on RGI's 2003 activities and called attention to the "2003 Report to the Community". He reported that the retail store in the Culpeper Town Mall had been very successful in providing an opportunity to invest in workforce development in Culpeper, and stated the locally hired staff had been excellent. He said that RGI would be increasing discussions with local agencies, such as the Department of Social Services and the Rappahannock Rapidan Community Services Board, as well as the State's Department of Rehabilitation Services, in an endeavor to improve vocational and educational opportunities. He

described a local Girl Scout program, "Goodwill to Others" and recognized Ms. Anne Corbin, a Girl Scout leader, who was in the audience.

No action was required.

**RE: UPDATE ON THE "SCHOOL IN THE MIDDLE" AND FUTURE BUILDING PROJECTS**

Dr. David Cox, Division Superintendent, thanked the Board for its continued support of the "Building in the Middle" project. He stated that one responsive bid had been received from Miller Brothers Construction Company in the amount of \$2.591 million and asked Mr. Hunter Spencer, architect and Construction Project Manager, to discuss the project.

Mr. Spencer stated that the bid from Miller Brothers was approximately \$300,000 more than the \$2.3 million cost anticipated when the building was first considered rather than renovating or purchasing new additional learning cottages. He noted that some items had been added to the project, such as providing a culinary kitchen that would occupy approximately two classrooms, a canopy east to west from the Middle School to the "Building in the Middle" so students could walk under cover, 26 additional parking spaces and plans to tie the telecommunication systems together. He stated that in an endeavor to reduce costs, needs had been reviewed and revised in an effort to bring costs within the \$2.3 million range, which included reverting to the original floor covering and eliminating lockers. He said the contractor also suggested additional savings by changing the type of duct work, piping, and lavatories. He emphasized that none of the changes would affect the quality of the building.

Mrs. Hansohn asked whether the price included the soft costs. Mr. Spencer stated that soft costs of \$183,000 for the architect, \$95,000 for classroom furnishings, \$30,000 for some computer wiring, and \$30,000 for miscellaneous testing items were not included. Dr. Cox stated it was the intention of the School Board to cover the soft costs from the construction balance from the High School and Binns projects.

Mrs. Hansohn asked whether computers were included in the soft costs. Dr. Cox replied that they were not, but the School Division had a responsibility to buy computers from other budgetary sources.

Mr. Chase asked for a discussion on the classroom space. Dr. Cox reported that there would be 22 regular generic classrooms and one specialized classroom. He noted that the original estimate of \$2.3 million equated to approximately \$90.20 per square foot, compared to construction estimates for a new high school at approximately \$143.00 per square foot.

Mrs. Hansohn inquired how many students could be accommodated in the "Building in the Middle". Mr. Spencer replied that the building would hold 24 students per classroom, or 528 students.

Mrs. Hansohn asked if 528 students would be removed from the existing High School when the "Building in the Middle" was built. Dr. Cox explained that the additional 22 classrooms would become a part of the classrooms used for the entire high school's program studies and would provide needed relief. He added that many of the classes would be core classes, which averaged one teacher to 25 students, and there was a limit of one to 20 for current technical classes, and one to 12 for special education classes. He said the program determined how many students per classroom.

Mrs. Hansohn asked whether 1500 was the current enrollment at the existing High School. Dr. Cox replied that the number depended upon the particular block of the day, but he estimated 15 to 25 per classroom.

Mrs. Hansohn asked for further clarification regarding the effect of the "Building in the Middle" on the number of students in the existing High School.

Dr. Cox acknowledged there had been many discussions regarding programs and capacity, and there was confusion between viewpoints. He invited the Board to spend time at the current campus on December 17, from 9:00 a.m. to 1:00 p.m., to tour the campus and take an in-depth look at the use of the current space in both the High School and Middle School and observe how each block of the day varied. He said that he would provide program updates and enrollment numbers at that time.

Mrs. Hansohn stated that she appreciated his offer to tour the campus, but felt that the "School in the Middle" should reduce the number of students in the existing High School to a level that would be good for the students and the teachers.

Mr. Spencer pointed out that there were presently 1900 students at the High School.

Mrs. Hansohn stated that all of those students were not in the High School because some were in the Middle School. She wanted to know if the "School in the Middle" was going to solve the existing problems.

Dr. Cox assured her that the "Building in the Middle" would solve numerous problems, including space for approximately 34 teachers who did not have their own classrooms or space for planning. He said there was confusion in discussing issues of capacity and programming, and it was difficult to say how many students would be in each building because that number would be different for each block of the day. He explained there were four different blocks, which could provide a ceiling of approximately 520, but it depended upon program needs for special ed, technical and core classes which varied throughout the day and could be at 150 percent of capacity.

Mrs. Hansohn stated that it was important for the public to know that the "Building in the Middle" would absolutely alleviate overcrowding conditions in the High School.

Mr. Chase stated that the capacity of the "Building in the Middle" was simply 24 per classroom, with 23 classrooms, or 552 students. Dr. Cox stated that if the classrooms were used exclusively for core classes that number would be correct, but it would be necessary to provide classroom space for special ed and technical classes.

Mr. Walker inquired how long would the "Building in the Middle" provide additional capacity for the High School. Dr. Cox replied that it would help to bridge that need until the new high school was available in 2007.

Mr. Spencer explained that the "Building in the Middle" provided space for other programming needs, such as art classes or the ROTC program, which was presently meeting in one of the tech spaces. He said that the cafeteria presently was having four lunch periods.

Dr. Cox agreed with Mr. Spencer's remarks and added that the gymnasium was being used to accommodate seven P.E. classes at one time, or as many as 210 to 225 students. He said that programs defined capacity and the tour of the campus would help to clarify that situation.

Mr. Walker stated that the County was facing a \$3 million investment, including soft costs, and he wanted to be sure it was a wise investment of taxpayers' money. He said he believed that there was too much capacity on the campus at present and he did not understand why additional capacity was being added because the Middle School was over capacity of the intended number of students at 800. He stated that he had not seen a plan that would take care of utilizing that space in the future.

Dr. Cox said he did not agree that the Middle School was over capacity and he wanted to make it clear that the "Building in the Middle" would be used after the new high school opened. He said that the need for program space always exceeded the available space, but the exact uses for the "Building in the Middle" had not been fully determined because the uses would be directed by which option was selected for the new high school. He explained that if Option A or C were used, the culinary arts program would stay in the "Building in the Middle", as well as special ed classes, project laboratories, and many of the 9<sup>th</sup> grade classrooms. He said if Option B were used, the most spartan of the options, all career-technical classes for both high schools would be located on the current High School campus. He added that currently all technology equipment and phone systems were being housed in a water heater closet in the Central Office, and there was a need for space for a Teacher Resource Center to provide additional teacher training. He emphasized that the space would not be wasted, but would be put to good use.

Mr. Spencer stated that the SHW Architects' presentation provided layouts for the different needs and uses for the space on both floors for the "Building in the Middle", as well as the specific costs.

Mr. Walker said he understood the versatility of the "Building in the Middle", but still questioned whether it was the most efficient way to proceed. He stated that in looking at the numbers, there were 1350 in the Middle School and the target was 800 for a middle school. He considered that as extra capacity. He said that as a Supervisor, he would like to know in writing what the future plans were for that building and what the future uses were for the Culpeper Middle School. He indicated that the Board had to figure out how to utilize taxpayers' dollars to the greatest capacity in order to get the most efficient use of the funds for many projects, not just school needs. He agreed that schools were the top priority in terms of how local dollars were expended. He noted that he was not on the Board when a promise was made that the High School would take care of the 9th grade when it moved to the High School, but the High School was over capacity immediately after that move. He repeated that he would like to see a plan so that when circumstances changed, the plan could be modified to reflect those changes.

Dr. Cox stated the exact uses for the "Building in the Middle" would depend upon what high school would be built to open in the fall of 2007. He said he appreciated the Board of Supervisors' need to manage and juggle the numerous financial concerns and he understood that there was a bottom line, but the School Division's bottom line was to advocate for resources, such as program space, in order that all students could achieve at a high level. He said that he was not present when the 9th grades moved into the High School, but he knew that most high schools had a configuration of 9th through 12th grades and it had been the most typical configuration during the past 25 years. He noted that the 9th graders were at different points in their studies and would need access to different classes at different levels. He said after the new high school was built, the School Division would need to decide how best to accommodate the growth in the Middle School population within the extra classroom space. He said there were currently more than 800 students enrolled in Floyd T. Binns School and approximately the same number at the Culpeper Middle School.

Mrs. Hansohn called attention to an article she read recently in the paper that Jennifer McCauley was heading up a free after-school program for music and art, and she applauded that effort. She stated that the bottom line for the Board was the County's financial situation, and it may be necessary to delay the new high school until 2008 in order to access additional revenue from the construction of new homes to offset the level of tax increases. She said the "School in the Middle" would alleviate a lot of the stress on the High School at the present time

and would provide the Board with time to develop a financial plan to meet all of the County's needs.

Mr. Coates stated he would save his questions until the December 17 tour, but he wanted to express one of his concerns. He said he was part of the Board many years ago that authorized spending the money to add the additional space to the High School, and at that time he was assured the modular units in the parking lot would be removed and that had not occurred. He added that the Board was doing its best to provide the necessary funds to the School Division, but he felt that better planning needed to be done.

Dr. Cox said that no one in the School System, present or past, would have predicted the large number of students needing services at present, but adjustments had to be made and the focus placed on delivering high quality instruction to all students.

Mr. Chase asked whether the lighting renovations had been done at the High School and whether the predicted savings had been achieved. Dr. Cox stated that the lighting retrofit RFP was out and bids were due back on December 15, and savings were anticipated during this budget year. He said that the boilers had been installed and an additional 10 percent efficiency had been realized as a result.

Mr. Bossio asked whether saving money by changing the type of flooring would result in increased maintenance costs in the future. Mr. Spencer replied that \$70,000 would be saved by changing the flooring. Dr. Cox commented that the VCT floor being proposed was the most common flooring and was the same flooring as the current High School.

Mr. Bossio stated that during the first discussions, the cost of the "Building in the Middle" was estimated at \$1.5 million and asked how the \$2.3 million figure resulted. He also asked for clarification regarding the source of funding for new computers. Dr. Cox replied that the estimated cost of building one floor was approximately \$1.9 million, and the cost for building two floors was \$2.3 million. He said that other revenue sources would be used to equip classrooms with computers, but wiring for computers would be included in the soft costs. He stated that the School Division would not be asking for additional funding over the \$2.3 million for the "Building in the Middle".

Mr. Lee asked when the estimated completion date would be for the "Building in the Middle". Dr. Cox replied that it would be 240 days from the notice to proceed. Mrs. Hansohn asked when that would be. Mr. Spencer stated that March was the target date.

Mr. Lee asked whether the soft costs would come out of next year's budget. Dr. Cox replied that the soft costs would be taken from the construction balance, which was a capital line item.

Mr. Nixon stated that discussions had been taking place since early 2004 and the School Division had not figured out what the capacity was going to be in the “Building in the Middle” in terms of how the space would be utilized. He asked whether a decision had been made regarding the kind of programs so that the capacity issue could be put to rest. Dr. Cox replied that there had been discussions regarding the use of the building, but final decisions would be made at the school level by the principal, department chairs and the leadership team. He said the classrooms would be primarily used for core classes, such as social studies, mathematics, etc., but needs would change depending upon how many students were enrolled for a particular program.

Mr. Nixon inquired whether the number of students would be 528, or 24 students per core class. Dr. Cox stated that some core classes exceeded 25 students, some had 32.

Mr. Nixon stated in terms of planning, there were 22 classrooms with 24 students per class; therefore, the building could accommodate 528 students. Dr. Cox stated that assumption could be made, but he wanted to be clear that figure changed with each block of the day and changed based on enrollment. He said the schools dealt with children and their needs, and that was not an absolute equation.

Mr. Nixon stated that the Board was trying to put a certain number of students in the building and determine what the building would be used for in order to justify the expenditure of funds. Dr. Cox said he understood the reason for the questions, and he hoped that the Board would be able to join him on December 17 to tour the building and see the variations he tried to depict so that each side would have a clearer understanding of the other’s perspective.

Mr. Coates asked whether a penalty would be imposed if the contractor did not meet the completion date on the building. Mr. Spencer stated that would be part of the contract.

Mr. Walker questioned the initial intent of the fund from which the soft costs would be taken. Dr. Cox replied that there was approximately \$329,000 left in the construction fund appropriated to construct the additions at the High School and Floyd T. Binns. He explained that the High School addition had a positive balance of \$587,000, Floyd T. Binns had an overage of \$349,000, with an additional \$91,000 from the insurance settlement.

Mr. Spencer explained that originally the High School was at its listed capacity of 1300 and the decision was made to increase capacity to 1500, but when the project was bid, it came in over budget and a decision was made to build less than what was needed in order to meet the program requirements.

Mr. Walker stated that the money was not extra money, but the money in the fund was due to cuts in the way the money was spent and not a result of any efficiency. Dr. Cox stated the balance was a result of a lot of hard work to ensure they were good stewards of taxpayer

dollars. He estimated approximately \$250,000 was saved by contesting and negotiating charges on the bills received.

Mr. Walker stated that the largest portion of this money was realized due to restructuring the project. He said the funds in the original bond issue for renovations to the High School were to cover some of the projects removed and any left-over funds should be used to replace some of those projects. He further stated that he wanted to return to the discussion on core classes. He said that Dr. Cox indicated that some core classes had 32 students, but some had 17, so he felt that the numbers averaged out to 25 per classroom.

Dr. Cox agreed there were many variables, as mentioned earlier, that determined the number of students per classroom, and he would be able to provide information on how many classes with how many students if Mr. Walker wanted that data. Mr. Walker stated he would like to have that information and that he had been asking for it for a long time. Dr. Cox stated he would make sure that Mr. Walker received that information.

Mr. Lee asked Mr. Spencer whether he remembered a discussion regarding High School capacity being at 1800 with the addition. Mr. Spencer stated he did not recall that, but there were many different ways to determine capacity, such as building code capacity, fire department capacity and capacity designated to a classroom to meet fresh air requirements. He said he would check further on the number Mr. Lee cited because he could not remember the discussion.

Mr. Coates thanked Dr. Cox and Mr. Spencer for meeting with the Board.

No action was required.

Mr. Coates recessed the meeting at 11:20 a.m.

Mr. Coates called the meeting back to order at 11:40 a.m.

**RE: REQUEST FOR WAIVER OF FEES FOR A PROFFER AMENDMENT**

Mr. Egertson provided background information on a request for waiver of fees for a proffer amendment established at \$2,000. He said that Rogers Fleet Service had rezoned four residentially zoned parcels to Industrial with the intent to rearrange the lots and use them for industrial purposes. He explained there was a proffer which indicated all four of the lots, no matter how they might be rearranged, would have to be accessed from a single point that was the same as the current entrance used by Rogers Fleet Service. Subsequently, VDOT and staff determined that moving access to the parcels to a point further back from the future interchange shown in the Comprehensive Plan would be a more appropriate way to serve the four parcels and the existing Rogers Fleet Service. Mr. Egertson stated that Mr. and Mrs. Rogers were willing to make the change as requested by staff and VDOT, but they were seeking relief from the \$2,000 proffer amendment fee.

Mr. Chase asked whether the proffer amendment was something the County wanted. Mr. Egertson stated that it was. Mr. Chase stated that when he requested the item be brought before the Board, he was not aware that a waiver of fee would be necessary.

Mrs. Hansohn pointed out the proffer amendment fee would be an additional expense to the Rogers' current plans.

Mr. Walker asked whether approval of this request would set a precedent for future requests. Mr. Egertson stated the request was not comparable to anything he had seen in the past, and he did not believe it would set a precedent because he did not foresee it happening too often in the future. He said the change would be beneficial to the County, and he recommended approval.

Mr. Coates pointed out that the change would fit into the County's ultimate plan for an interchange at Route 666.

Mr. Chase moved, seconded by Mr. Nixon to approve the waiver of fee in the amount of \$2,000 for processing the proffer amendment.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

– deleted from the agenda.

**RE: POTENTIAL CONVEYANCE OF 40-ACRE SITE TO CULPEPER COUNTY**

Mr. Egertson informed the Board that in Case No. Z-391-03-1, Angler Development had proffered, in conjunction with the North Ridge Subdivision, a 40-acre parcel to the County which had frontage on both Routes 229 and 685 and was located at the southeastern quadrant of the intersection at Catalpa. He said the lot also had additional road frontage on a road to be constructed by Angler as part of the North Ridge development in the future. He noted that Angler had a Phase I environment study performed on the site, and Paul Howard, Director of Environmental Services, had been reviewed it and found no unusual environment issues.

Mr. Egertson asked for the Board's approval to accept the parcel. He said he would work with the County Attorney to see that an appropriate deed was drafted and the plat recorded so that the County could take ownership. He noted that the County Attorney had reviewed the proposal and did not believe that a public hearing was necessary to accept property. He said that future use of the property could be determined at a later date, but he thought it could be used for recreational purposes.

Mrs. Hansohn moved, seconded by Mr. Nixon, to accept this property and allow staff to finalize the deed.

Mr. Nixon asked whether there were any buildings on the property that would need to be demolished at some point. Mr. Egertson stated there were no structures on the property.

Mr. Walker noted that the proffer statement stipulated that the transfer had to be completed by December 31, 2004. Mr. Egertson stated that was correct, but he had talked with Angler and been assured that the time deadline was not a concern to them. He said that Mike Stumpo of Angler Development was present if the Board had any questions.

Mr. Coates stated that he hoped the County would meet that deadline.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker.

Motion carried 7 to 0.

**RE: PROJECT UPDATE – STONE RIDGE SUBDIVISION – ROUTE 718 TO Route 29  
CONNECTOR ROAD**

Mr. Egertson stated he wanted to brief the Board on developments taking place among County staff, VDOT and Angler Development with regard to the proposed Stone Ridge Subdivision on Route 29 South just beyond Route 718, Mountain Run Lake Road. The development would have frontage on both Routes 29 and 718. He recalled that when the subdivision was approved by the Board, Angler had provided the County with a full dedication of right-of-way for an interchange at this location, also shown in the Comprehensive Plan. A four-line right-of-way through the property was provided for a future connector road to connect Route 29 to Route 718, with a right-turn in and out on Route 29, but without a crossover at that location. He stated that VDOT had been considering using signalization funds to put a traffic light at Routes 29 and 718, but because of the vertical alignment at that intersection, VDOT was now considering installing a signal instead at this connector road through Stone Ridge. He stated that In order to make that happen, a new crossover would need to be created at this location, with the appropriate left and right turn lanes and signal installed and get the connector road all the way through to Route 718 in order to relieve some of the traffic congestion at Mountain Run Lake Road and Route 29. VDOT believes it has funding to provide for the signalization and for the construction of the crossover and the left turn lanes in each direction. The developer has already provided the four-lane right-of-way for the connector road and for a future interchange, and would build approximately 1600 feet of road from Route 718 south toward Route 29. He noted that the developer would be building two lanes, but would be grading and providing for the ultimate four-lane construction. He said this would leave the road about 600 feet short of Route 29, at which point he would propose that the County utilize revenue sharing funds. He said some VDOT funds would be combined with some revenue sharing funds, together with the developer's efforts, to create a new four-way crossover

interaction on Route 29 with a traffic signal. He stated that the developer would be doing all of the engineering and design work to redo the initial road plans for the subdivision. He wanted the Board to be aware that it may be necessary to transfer some revenue sharing funds from another project to this one. He said there were revenue sharing funds available, which were to be used for the connection road from Route 522 to Route 729.

Mr. Coates pointed out that the road would be the start of the west loop road from Route 29 going north. Mr. Egertson stated it was actually a continuation of the entire loop road concept around the Town.

Mr. Coates stated that the crossover would also serve the future relocation of Merrimac Road South. Mr. Egertson confirmed that the Comprehensive Plan called for an interchange at this location. He pointed out that the Agricultural Enterprise property, across the road, had two entrances and this crossover would line up with the northern most entrance.

Mrs. Hansohn asked whether the existing crossover at Mountain Run Lake Road and Route 29 would be closed. Mr. Egertson replied that it was not anticipated to be closed at this time, but could become a possibility in the future.

Mr. Nixon asked whether the County was anticipating a right-turn lane off of Route 718 on to this new road because it would have a 90-degree turn. Mr. Egertson replied that VDOT would be made aware of that problem.

Mr. Lee asked whether Board action was required at this point. Mr. Egertson stated that no action was required, but he wanted to be sure that the Board was aware of recent developments.

Mr. Walker expressed his approval that action was being taken to correct the unsafe conditions in this particular area.

Mr. Rosenberger asked whether it was the intent to have a full clover-leaf interchange at this location in the future. Mr. Egertson replied that the Comprehensive Plan called for a diamond interchange. Mr. Rosenberger asked whether the interchange would affect the Agriculture Enterprise property. Mr. Egertson replied that property would be significantly affected because it would become a mirror image of the other side of the road.

Mr. Coates pointed out that the proposed road, which would actually be the relocated Merrimac Road South or Route 643, would follow the property line between the two parcels that Agricultural Enterprises owned and was zoned commercial. Mr. Egertson added that the 500-foot frontage of all the Agricultural Enterprise property was zoned commercial.

Mr. Coates explained that a diamond interchange would reduce the actual taking of the property in the area. He felt that eventually there would be grade separation ramps and signals

on the ramps in order to reduce the impact that a grade separation had on a major highway and adjacent properties.

Mr. Coates asked that the Board be kept aware of developments in this project.

No action was required.

**RE: TOWN HALL LEASE**

Mr. Maddox explained that the proposed lease agreement for the County to lease the former Town Hall had been approved by the Town Council and was before the Board for its approval. He said the lease was five years, with three renewal terms to exercise the option; the rental amount was \$1 per year; and the obligation of the County for improvements was a minimum of \$750,000 in the first five years. He said that the County was protected in that it would receive a rebate, on a pro rata basis, on improvements made in the event the lease were terminated within the optioned 20 years.

Mr. Chase asked whether both parties had to agree to the renewal. Mr. Maddox replied that it was an option to be exercised by the County only.

Mr. Chase moved, seconded by Mr. Nixon, to approve the lease agreement between the County and the Town for the lease of the former Town Hall.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**COMMITTEE REPORTS**

**RULES COMMITTEE/NOVEMBER 16, 2004/9:00 A.M.**

Mr. Walker reported that the Rules Committee met and the first item requiring Board action pertained to the development of an in-house assessment program for the reassessment in 2007. He said that Mrs. Terry Yowell, Commissioner of the Revenue, would make a presentation to the Board.

Mr. Bossio recalled that one of the major discussions was the appropriate office to assume the responsibility for an in-house assessment, and it was determined that a condition in the law stipulated that this authority rested squarely with the Commissioner of the Revenue. He said the motion from the Rules Committee was to move forward with the development of an in-house assessment program for 2007.

Mrs. Yowell introduced her staff who were performing functions associated with the assessments: Donna Culp, the current Appraiser; William Jason Kilby, Appraiser Technician; and Richard Wood, who retired from Albemarle County.

Mrs. Yowell reviewed a proposal for the creation and operation of the Department of Real Estate Assessments within the Commissioner's Office to become effective January 1,

2007. The office would have a minimum of six permanent full-time employees and seven temporary part-time employees. She indicated that the initial (one-time) outlay for creating the Department would be \$93,677 to cover office equipment and furniture; the annual operating expenses for "off year", when not actually performing the data collection involved in the general reassessment process, would be \$339,893; and the additional annual operating expenses for the year in which the biennial reassessment data would be collected were \$194,485. She said that the total current annual expenses would be increased by an additional appraiser, an appraiser trainee or assistant, and land use administrator. All functions involved in the real estate procedure, such as transfers of real estate, land use, tax relief, and assessments, would be kept in one place. She provided statistics on each activity for the current and previous years to indicate the tremendous growth that had occurred in this area. She proposed an additional \$340,000 would be needed for the function of the general assessment to be done in the proposed new Department.

Mrs. Yowell indicated that the two-year savings by performing in-house versus contract amount would be \$143,936, or \$71,968 annually. She explained that the \$340,000, what she would need for the new activity, divided by an estimated 24,000 parcels by 2007, would be an average of \$14.17 per parcel, compared with the \$20 per parcel range for out-sourcing the activity.

Mr. Chase stated that he felt the advantage of an in-house department was having individuals who lived in the community actually gathering the base data. Mrs. Yowell agreed.

Mrs. Hansohn questioned the number of staff currently on board involved with these activities. Mrs. Yowell replied that there was an appraiser, appraiser trainee and land use administrator and she hoped to gain some commercial experience when an additional appraiser was hired.

Mr. Walker asked whether the \$14.17 per parcel was comparable to the figure during the last assessment. Mr. Bossio stated that approximately \$12.00 was the cost per parcel during the last assessment, and the estimate this year would be a minimum \$20 to \$22 per parcel if the County used an outside contractor.

Mr. Walker noted that the positive benefit of going in this direction is that in 2007 or 2008, the decision could be made to change to a two-year assessment rather than the current four-year, but further thought should be given to this process if the Board were not in favor of a two-year assessment. He said the cost savings were based on doing reassessments every two years.

Mr. Chase stated that the benefit of a two-year assessment would be catching houses being built in the interim and collecting taxes prior to the next assessment.

Mrs. Yowell pointed out another benefit would be that fewer data collectors would be needed once a solid database had been established.

Mr. Walker asked for an explanation of the duties of a data collector. Mrs. Yowell stated that a data collector would be hired at an hourly rate, reimbursed for mileage, and their primary duty was to go out and take measurements and pictures, etc., and bring the data back for the appraisal staff to work the validation.

Mr. Walker moved, seconded by Mr. Chase, to accept the Rule Committee's recommendation to proceed with the in-house process rather than go out for bid.

Mr. Lee asked whether the Commissioner of the Revenue had agreed to administer the new activity. Mrs. Yowell replied that she had.

Mr. Bossio stated that if the Board approved, a resolution would be brought back in January for the Board's approval, but the recruitment process for the data collectors would need to start as soon as possible.

Mr. Rosenberger stated that he supported the motion, but he pointed out that there would be opposition regarding whether to change from a four-year to a two-year reassessment.

Mr. Chase called the question.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates welcome the new employees in the Commissioner of the Revenue's office.

Mr. Walker stated the Rules Committee discussed Tax Relief for the Elderly and Disabled and was recommending to the full Board that the applicant applying for Tax Relief for the Elderly and Disabled must be 65 years of age or older, with an income of \$35,000 or less, not to exceed \$200,000 in net assets, not to exceed ten (10) acres, or declared disabled. He said there were three changes in the Tax Relief for the Elderly and Disabled that would (1) Increase the income level to \$35,000 from the present \$30,000; (2) increase the net assets from \$100,000 to \$200,000; and (3) exclude ten acres instead of one acre in order to qualify. He stated that an ordinance would be required and it would have to be advised for public hearing in January 2005.

Mr. Walker moved, seconded by Mr. Nixon, to advertise the ordinance amendment for public hearing to increase the real estate tax exemption for the elderly and disabled with the three changes indicated.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated that the Rules Committee discussed making a change in the ordinance amending and providing additional vehicle license tax exemptions for active auxiliary members of the volunteer fire departments and rescue squads. He said this was not being provided to actual auxiliary members, and this amendment would include them in the same tax exemptions now offered to the volunteer fire departments and rescue squads.

Mr. Walker moved, seconded by Mr. Chase, to accept the recommendation of the Rules Committee to advertise the ordinance change for a public hearing.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated that the last item was the Board's Rules of Procedures for 2005. He said that the actual acceptance of the Rules would occur in the January meeting, but in preparation, there were some suggested changes.

Mr. Maddox pointed out the two changes were: (1) Consolidating Sections 6-9 and 6-4 into one Section 6-4, because the two sections were very similar in dealing with visiting Board members and alternative Board members; and (2) adding a new Section 2-8. Conduct in Meetings to address civility in Board meetings and other meetings where the Chairman could request the exclusion of participants and members of the public who did not act appropriately.

Mr. Walker reported that the Rules Committee was continuing to discuss cash in-kind contributions and would postpone action until the Attorney General's opinion had been received.

See Attachment #1 for details of meeting.

Mr. Coates recessed the meeting for a lunch break at 12:30 p.m.

Mr. Coates called the meeting back to order at 2:20 p.m.

Mr. Chase was not present for the afternoon session.

**PUBLIC WORKS COMMITTEE/NOVEMBER 16, 2004/11:30 A.M.**

Mrs. Hansohn reported that the Public Works Committee met and discussed the holiday hours at the Transfer Station. She said the Committee was recommending that the Convenience Center close at noon on Christmas Eve, close all day on Christmas, and extend the hours on Sunday, December 26, from 9:00 a.m. to 5:00 p.m., contingent upon Mr. Howard's bringing back the costs of extending those hours on Sunday.

Mr. Howard stated that the cost for BFI to run the Center from 9:00 a.m. to 5:00 p.m. on Sunday would be an additional \$100 per hour, or \$800. He said that he had made arrangements to have community service workers at the Center on Sunday to help unload trash from vehicles in order to expedite the process.

Mrs. Hansohn asked whether the additional cost included Updike dumping and moving the dumpsters. Mr. Howard stated that figure was just the additional costs for BFI.

Mr. Walker asked whether there would be any credit given for closing early on Friday. Mr. Howard replied that BFI was paid by the time to operate the Transfer Station, Monday through Saturday, and by closing early on Friday would mean additional tonnage on Monday, so there was really no savings other than the personnel costs by closing early.

Mrs. Hansohn pointed out that closing early on Christmas Eve was actually a benefit to the workers. She suggested operating the normal Sunday hours from 1:00 to 5:00 p.m., have the community workers there and not incur the additional \$800.

Mr. Howard said with opening at 1:00 to 5:00 p.m. on Sunday, BFI could come at 5:00 p.m. and pull the trailer out of the building as they normally do. He said BFI would dump all of the cans on Friday and be on call to come and move a trailer if needed.

Mrs. Hansohn moved, seconded by Mr. Nixon, to close at noon on Christmas Eve, close on Saturday, Christmas Day, and open normal hours on Sunday from 1:00 to 5:00 p.m.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mrs. Hansohn stated the Committee had received a proposal from Wiley and Wilson, an engineering firm, for consulting services for water and sewer utilities. She asked Mr. Howard to address the issue.

Mr. Howard explained that an RFP had been issued for an engineering firm to assist the County in revising its Master Water and Sewer Plan for the Town environs and also design the wastewater treatment plant and water treatment plant at Clevenger's Corner Village Center if the rezoning request was approved. He said five proposals had been received, the evaluation/selection committee ranked those proposals, and conducted interviews with the two top-ranked firms – Whitman, Requart and Associates and Wiley and Wilson, Inc. The selection committee recommended to award the contract to Wiley and Wilson for a five-year period for engineering services, to include the design of the system at Clevenger's Corner, if the rezoning were approved; and, if not, the design would be limited to the Master Water and Sewer Plan for the Town environs.

Mrs. Hansohn moved, seconded by Mr. Lee, to award the five-year contract to Wiley and Wilson for engineering services.

Mr. Nixon asked if the Town environs included Brandy and the Air Park. Mr. Howard replied that the first scope of work for the Master Water and Sewer Plan would be the Town

environs, which would include the Air Park, Elkwood, and Boston area. Mr. Nixon asked about Mountain Run and Longley. Mr. Howard stated those areas could be added if desired.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

See Attachment #2 for details of meeting.

**E-9-1-1 BOARD OF DIRECTORS/NOVEMBER 18, 2004/7:30 A.M.**

Mrs. Hansohn reported that the E-9-1-1 Board met and there were no action items for the Board's consideration.

See Attachment #3 for details of meeting.

**PUBLIC SAFETY COMMITTEE/NOVEMBER 18, 2004/8:15 A.M.**

In Mr. Chase's absence, Mr. Bossio reported that the Public Safety Committee met and discussed the Emergency Operations Plan (EOP). He said the EOP had been reviewed by all parties and the Committee was recommending approval by the full Board.

Mr. Lee moved, seconded by Mr. Nixon, to approve the Emergency Operations Plan and the accompanying Resolution.

Mrs. Hansohn asked whether the Town had been given an opportunity to review the Plan. Mr. Bossio replied that Town officials were involved in writing the EOP, and the Town Council was not required to approve it.

Mrs. Hansohn asked whether the plan would be made available to the public. Mr. Bossio stated that it would be available to the public except the classified amendments. Mrs. Hansohn asked whether copies would be placed in the library. Mr. Bossio stated that was the plan.

Mr. Walker noted that in the former EOP, the Chairman of the Board was designated as the Director of Emergency Services and the Vice-Chair designated as alternate in the event the Chairman was not available and asked when it was changed.

Mr. Tom Williams, Director of Emergency Services, indicated that it was a Board decision on how the line of succession should be listed, but the State and Federal Governments had recommended the proper lines of succession.

Mr. Nixon suggesting that the Vice Chair be second in line and the County Administrator third. Mr. Williams stated that correction could be made if the Board approved.

Mr. Nixon offered an amendment to Mr. Lee's motion to include the Vice Chair as the second in command and the County Administrator as the third. Mr. Lee agreed to the change.

Mr. Coates commended the Committee for its efforts.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

See Attachment #4 for details of meeting.

### **ECONOMIC DEVELOPMENT REPORT**

Mr. Carl Sachs, Director of Economic Development, provided the following report:

1. In the County and Lowe's agreement, it was agreed that Lowe's would employ 100 full-time and 25 part-time employees, maintain that level of payroll to the greatest extent possible, and hire qualified Culpeper County residents. Lowe's reported on November 22 that 182 employees had been hired, 146 full-time and 36 part-time, or approximately 146 percent of its goal. Of this number, 68 per cent or 122 employees were Culpeper residents, 98 full-time and 24 part-time. This information will continue to be provided to ensure Lowe's achieves the minimum.
2. Information regarding the Department's marketing results will be provided to the Board. In September, the office responded to 10 business inquiries; and in October, it responded to 22 business inquiries.

Mr. Sachs reported that for over a year, Mrs. Yowell, Commissioner of the Revenue, had been looking at the way machinery and tools were assessed in the County. She mailed out a letter in October to all of the manufacturing taxpayers who pay a machinery and tools tax, informing them she had instituted a new assessment procedure.

Mr. Sachs stated that prior to this year, machinery and tools were assessed at 50 percent of their market value or original cost and values were not depreciated to reflect the age or obsolescence of the machinery and tools. The machinery and tools stayed at 50 percent until the equipment was taken out of service. He said the problem was that machinery and tools were being overassessed when their fair market value dropped below 50 percent. More importantly, straight-line assessments with no depreciation allowances were increasingly being challenged in the courts, and the courts were finding these situations to be unconstitutional and those assessment practices to be invalid.

Mr. Sachs explained that under the revised method of assessing machinery and tools the first year the equipment goes on the tax rolls, it would be valued at 70 percent of its original cost; with the exception for machinery and tools purchased on tax day, January 1, and that equipment would go on the books at 100 percent. The second year the equipment would depreciate to 60 percent of original cost; the third year to 50 percent; the fourth year to 40 percent; and the fifth year and beyond to 30 percent of original cost.

In reply to a question regarding cost, Mr. Sachs replied that the original capitalized cost would be used, and not the fair market value.

Mr. Sachs explained a chart that showed how the assessment on machinery and tools would apply under the old procedure with the suggested changes and indicated that over a five-year period the two procedures would balance out, and over seven years, the new assessment procedure would generate approximately \$8,000 less in taxes. He noted the assumption was that the turnover rate for machinery and tools was five to seven years so that would not have a significant impact on the tax revenues being generated. He noted that over ten years, however, the difference would be approximately 20 percent less – \$100,000 to \$80,000 in taxes generated.

Mr. Sachs stated that the conclusions reached were the assessment procedures needed to be changed so that they would be fair in assessing machinery and equipment and to avoid challenges in the courts. He said from an economic development perspective, he looked at whether it was fairer for businesses and was it revenue neutral, and he felt that both were positive. He said he was concerned about the County's Tax Incentive Program, which has a component dealing with machinery and tools, and he would be bringing suggested changes to the next meeting of the Rules Committee.

Mr. Walker asked how the 70 percent and 30 percent became the starting and ending points; and, if the courts objected to 50 percent, would 30 percent become objectionable in the future. Mr. Sachs replied that Mrs. Yowell had obtained information from the surrounding counties of Orange, Madison, Spotsylvania, and Stafford and all began somewhere around 70, 80, 90 percent and depreciated down to 30, 20, 10 percent. He said he did not believe it would become a legal issue, and Mrs. Yowell was trying to make the process revenue neutral after the first five years so that it would not impact on either taxes paid by the business or the revenues received by the County.

Mr. Maddox asked the Commissioner of the Revenue whether the change made in the procedures would require an ordinance. Mrs. Yowell responded the action was within the State statute and this briefing was for the Board's information.

#### **AIRPORT ADVISORY COMMITTEE**

Mr. Bossio reported that the Airport Advisory Committee met and there were no action items to forward to the Board.

#### **ADMINISTRATOR'S REPORT**

Mr. Bossio presented the following Administrator's report:

1. Minor changes had been made to the Board of Supervisors' Vision and permission was being requested to take it to the public via meetings with each Supervisor's District.

Mr. Coates asked whether there were any objections. There were no objections.

2. Virginia will be hosting the NACo Annual Conference in July 2007 and NACo was asking every County to contribute a minimum of \$1,000 to help offset the costs of that conference.

Mr. Nixon asked whether the Board usually contributed to this organization. Mr. Bossio replied that this was the first time he could recall that Virginia had hosted the National conference, but the County had contributed in the past to other similar associations and meetings.

Mr. Walker stated that the NACo conferences drew a large group of people from all over the country to the host State, and he assumed those contributing would be recognized in some form of advertising. He said he did not know whether Culpeper County would benefit by contributing, but VACo was requesting the money to create a fund for some promotional activities for the conference.

Mr. Bossio said it would be an opportunity for local businesses, and he would contact Mr. Sachs regarding material to include in the VACo packets.

Mrs. Hansohn suggested that the Culpeper Tourism Department be contacted to determine whether they would be willing to participate. Mr. Bossio stated he would pass this information on to them.

Mr. Nixon moved, seconded by Mr. Lee, to contribute \$1,000 to the NACo conference.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

3. The Legislative Committee scheduled for 3:00 p.m. today will be rescheduled.

4. County Extension Leadership Council Annual Dinner Meeting will be held at 5:00 p.m. today.

### **CLOSED SESSION**

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) A resignation from the Rappahannock-Rapidan Community Services Board; (B) a resignation from the Library Board; (C) a resignation from the Economic Development Advisory Commission; (D) advertising an appointment to the Library Board; (E) an appointment to the Agricultural Resource Advisory Committee; (F) an appointment to the Parks & Recreation Advisory Committee to represent the Cedar Mountain District; (G) readvertising an appointment to the Parks & Recreation Advisory Committee to represent the Salem District; (H) readvertising an

appointment to the Economic and Development Advisory Commission; (I) consideration of an appointment to the Rappahannock-Rapidan Community Services Board; and, (J) consideration of an appointment to the Culpeper Recreation Foundation, Inc.

2. Under *Virginia Code* §2.2-3711(A)(1) and (A)(7), for consultation with the County Attorney and Staff regarding personnel matters relating to specific existing and former County employees, and probable litigation arising out of the issues.

3. Under *Virginia Code* §2.2-3711(A)(7), for consultation with legal counsel and staff pertaining to actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.

4. Under *Virginia Code* §2.2-3711(A)(7), for consultation with legal counsel and staff pertaining to actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.

5. Under *Virginia Code* §2.2-3711(A)(3), (A)(7) and (A)(30), for consultation with County Attorney and staff regarding negotiations concerning (1) the acquisition of specific land parcels in the County and (2) specific contracts involving the expenditure of public funds, and the terms and scope of such contracts where public disclosure of the real estate or contract negotiations would adversely affect the bargaining position or negotiating strategy of the County, and probable litigation relating to the negotiations.

6. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for consultation with County Attorney and staff regarding negotiations concerning a specific public contract involving the expenditure of public funds and discussion of the terms and scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County.

7. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for consultation with the County Attorney and staff regarding the award of a public contract involving the expenditure of public funds and discussion of the terms and scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County.

8. Under *Virginia Code* §2.2-3711(A)(10), to consider advertising for nominees for the Culpeper Colonel Award.

Mrs. Hansohn seconded the motion.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

The Board entered into closed session at 3:00 p.m.

Mr. Coates recessed the meeting at 5:10 p.m. for dinner.

John F. Coates, Chairman

Approved: January 4, 2005

[illegible]

Aaron Greso, West Fairfax, addressed the recent positive articles in the newspapers on the school division. He recognized there were policies in place to help individuals address problems and that a protocol must be followed if there were a problem in any of the schools, but noted there were still problems at the School Board level.

Dave Rowe, Jefferson District, speaking as a small business owner, addressed the business equipment property tax and felt that it was an inequitable burden on small businesses. He felt that it did not send out a welcoming hand to individuals considering relocating their business to Culpeper County. He asked the Board to take the necessary action to make certain that this did not happen in future years.

Jeanette Edwards, Jefferson District, elaborated on the Clevenger's Corner project in detail and felt that the Board was making a decision that would have a great impact on the homes in the areas, the quality of life, the environment, the resources, the finances, the schools, taxes and the residents' ability to continue living in the County. She felt that the Board was impacting the health, safety and welfare of the citizens, and these were the very things the Board swore to protect.

With no further comments, Mr. Coates closed the Citizen Forum.

#### **RE: AGENDA - ADDITIONS AND/OR DELETIONS**

Mr. Walker moved, seconded by Mrs. Hansohn, to add a closed session to the agenda under the motions previously stated.

Mr. Maddox stated for the public's benefit that the Board did not complete the closed session this afternoon and the Board would need to re-enter into closed session under the motions previously stated in order to complete the Board's business.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

#### **PUBLIC HEARINGS**

THE BOARD OF SUPERVISORS WILL RECEIVE PUBLIC COMMENTS AND CONSIDER VARIOUS BUDGET AMENDMENTS AND CIP APPROPRIATIONS

Mr. Bossio stated that the next two items pertained to budget amendments and CIP projects and were scheduled for a public hearing. They are as follows:

a) *The Board will consider two budget amendments for CIP projects from \$1.5 million General Obligation Bond issue and \$8.385 million IDA Revenue Lease Bond issue. The CIP projects being funded are for the architectural fees for the new High School, Emergency Operations Center (EOC)/ Radio System, and Community Complex;*

b) The Board will consider a budget amendment for construction of the "School in the Middle" in the amount of \$2.3 million. Funds for this project are currently coming from the General Fund with reimbursement by the 2005 Bond issue.

Mr. Chase stated his displeasure with the architectural fees and questioned the architectural fees for the new high school and asked why the School Board or a Search Committee did not make an attempt to look at other high school plans, and modify the plans for

a lot less money. Mr. Bossio said for clarification purposes that the architectural fees totaled \$2.3 million and the \$477,000 were fees for this year.

Mr. Walker questioned whether the \$2.3 million for the “Building in the Middle” would be better spent on the new high school project that was targeted for completion in the fall of 2007 because he wanted to make sure this was the best use of the taxpayers’ money.

Mr. Chase objected to the name “Building in the Middle” because it could be an ‘Outhouse in the Middle’ and suggested that it be called “Classroom Building in the Middle”.

Mrs. Hansohn asked whether these amendments would cause the tax rate to increase. Mr. Bossio replied that it would and felt it would be approximately three cents this year and probably again next year.

Mr. Coates called for public comments on item a and item b.

There were none.

Mr. Coates closed the public hearing.

Mr. Nixon moved, seconded by Mr. Lee, to approve the budget amendments for the CIP projects in item a.

Mr. Walker said the Community Complex was in keeping with the bond referendum that the voters passed several years ago, and that the Emergency Operations Center (EOC) and the radio system has been planned for a long time because of the lack of coverage in various areas of the County and it was needed for the law enforcement, fire and rescue agencies and in general for public safety county-wide.

Mr. Coates called for voice vote on item a.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Chase moved, seconded by Mr. Lee, to approve item b. and that the name “School in the Middle” be changed to “Classroom Building in the Middle”.

Mr. Coates called for voice vote on item b.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger

Nay – Walker

Motion carried 6 to 1.

## ***NEW PLANNING COMMISSION BUSINESS***

**CASE NO. U-2063-04-1.** Request by Michael J. Watts, DVM, for approval of a use permit for a small veterinary clinic. The property is located on Route 211 in the Jefferson Magisterial District and contains 2.00 acres. Tax Map/Parcel No. 2/25.

Mr. Sam McLearen, Zoning Administrator, informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission was recommending to the Board of Supervisors that this use permit be approved with the following condition:

1. No outdoor runs or kennels shall be permitted. No boarding of animals shall be permitted except as necessary in conjunction with medical treatment.

Mr. John Egertson, Planning Director, displayed a tax map that highlighted the location of the property being considered and informed the Board that this was an existing dwelling that was situated adjacent west of the Q-Stop Convenience Store at Clevenger's Corner, near the intersection of Routes 229 and 211. He said that it was recently rezoned to Village Center/Commercial, which proffered zoning allowed only this use and other assorted office type uses, and within that zoning district a use permit was required for a veterinary clinic. He said with the condition stated, it was recommended for approval and was ready for the Board's consideration.

Mr. Nixon asked if this particular case was required to comply with the Entrance Corridor Ordinance. Mr. Egertson replied that it did, but that district specifically exempted existing buildings. He said that Dr. Watts was not planning any major changes to the building, but he had gone through the Architectural Review process in terms of landscaping, paving requirements and improvements of that nature.

Dr. Watts was present representing the case.

Mr. Coates opened the public hearing and called for public comments.

There were none and Mr. Coates closed the public hearing.

Mr. Chase asked if this must be zoned commercial or could it be allowed in an agricultural zone. Mr. Egertson replied that this property was previously zoned residential, which would not have permitted the veterinary clinic. Staff felt that the appropriate rezoning was a village center, but a use permit could be obtained for a veterinary clinic in an agricultural zone as well.

Mr. Rosenberger moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve the request for a use permit.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**ADDITION TO THE WATERFORD RUN AGRICULTURAL AND FORESTAL DISTRICT.** Request by William L. Schaff to add 18.08 acres to the Waterford Run Agricultural and Forestal District. The property is located on Route 627 in the Jefferson Magisterial District. Tax Map/Parcel No. 12/11B.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission concurred with the Agricultural and Forestal Districts Advisory Committee and found this addition to the Waterford Run Agricultural and Forestal District to be appropriate. He said that the Planning Commission was recommending to the Board of Supervisors that the 18.08-acre addition to the Waterford Run Agricultural and Forestal District be approved and that the Waterford Run Agricultural and Forestal District Ordinance as modified be adopted.

Mr. Egertson displayed the tax map that highlighted the existing Waterford Run Agricultural and Forestal District and the proposed 18-acre addition and informed the Board that this property was being utilized as pasture and was partially wooded. He said the Agricultural and Forestal District Advisory Committee found it to be an appropriate addition and it was recommended for approval.

There was no one present representing the case.

Mr. Coates opened the public hearing and called for public comments.

There were none and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve the addition to the Waterford Run Agricultural and Forestal District.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**GLENDALE – 17 LOT SUBDIVISION.** Request by Trigon Development, LLC for approval of a 17-lot subdivision. The property is located on Route 643 in the Salem Magisterial District and contains 29.68 acres. Tax Map/Parcel No. 38/36A5.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission found this subdivision to be in compliance with the Subdivision Ordinance. He said that the Planning Commission was recommending to the Board of Supervisor that this 17-lot subdivision be approved.

Mr. Egertson displayed the preliminary plan for the Board's review and informed the Board that this subdivision was located in an R-1 zoning district, and within the Watershed Management District,

and met the density restrictions and buffering requirements. He noted that a buffer was required along the eastern edge of Mountain Run and in meeting that buffer requirement, the subdivision was revised from its original 18-lots to the 17-lots. VDOT has approved the entrances, the Health Department has approved the drainfields, and Soil and Water Conservation District has approved the erosion control. He said that it was recommended for approval and ready for the Board's consideration.

Mrs. Hansohn asked if a central water system would serve the entire subdivision. Mr. Egertson replied that there would be one well serving all 17-lots as opposed to individual wells. Mrs. Hansohn asked who would oversee the installation and management of the water supply. Mr. Egertson said it would be bonded and installed by the developer and usually it was turned over to a company that operated these types of systems throughout the County.

Mr. Walker asked if the concerns regarding the access noted in Mr. Hepokoski's letter had been satisfied. Mr. Egertson replied not to Mr. Hepokoski's satisfaction. He said it was discussed at the Planning Commission and Mr. Hepokoski was hoping to gain access into his subdivision in order to provide for future development or have better access to his parcel. Staff objected to that based primarily upon on the fact it would require a crossing of Mountain Run, which was discouraged in the Watershed Management District and it was not an environmental sound thing to do. He said there were discussions with the developer and it was learned that he would lose additional lots and it not a requirement of the Code. He further said that Mr. Hepokoski had a fee simple strip out to the Route 643.

Mr. Coates noted for the record that the gentleman contacted him to express his interest and concerns with this particular project and he referred him to three local engineering firms. He said that the gentleman met with him following the day meeting and that he was not happy to learn that it was in the Watershed District and it would require a bridge to cross Mountain Run, but Mr. Hepokoski said he understood and that he would not appear this evening.

Joe Coppedge, Manager of ATCS, a civil engineering and surveying firm, was present representing the applicant.

Mr. Walker noted that the Soil & Water Conservation District had reviewed the plans for the subdivision and made comments, and asked Mr. Coppedge if ATCS was in charge of the storm water and erosion. Mr. Coppedge said that ATCS designed the erosion and sediment control design, but did not do the actual construction. It was inspected by the Soil and Water Conservation District. Mrs. Hansohn addressed the central water system and asked if individual wells were permitted. Mr. Egertson said that any subdivision with more than 5-lots, any of which were less than two acres, required a central water system as opposed to individual wells. Mrs. Hansohn asked whether there were any options should the central water system fail and if the owners of the lots would be allowed to dig their own private wells.

Mr. Egertson said the County Code would not allow individual wells to be placed in a subdivision. Mrs. Hansohn said if a water system did not function properly that it would cause a hardship on a family.

Mr. Nixon raised the issue of the distance between the two roads intersecting North Merrimac because it was a narrow road and asked if it would cause a hardship on the travel lanes. Mr. Coppedge replied that VDOT had approved the transportation plan. It was proposed to have a turn lane coming toward the subdivision, and the road into the subdivision would be widened for the full length between the two entrances and an egress lane would be constructed. He said that VDOT felt it would not create a hardship and that this proposal would maintain safety.

Mr. Coates opened the public hearing and called for public comments.

There were none and Mr. Coates closed the public hearing.

Mr. Walker moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve.

Mr. Coates mentioned that Mrs. Hansohn had made some good points regarding a central water system and asked staff to look into it because at this time it seemed that most old subdivisions were having well/water problems, and someday the new subdivisions would be old and future Boards would have to deal with the issue. Mr. Egertson said his staff would look into the matter, but the State Corporation Commission regulated the systems once they were installed. He said once a subdivision reached a certain density, the County Ordinance required that a central well system be installed, as opposed to individual wells, because the Health Department recommended that wells not be close together.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Maddox asked the Board not to adjourn, but to re-enter closed session for the reasons previously stated.

### **CLOSED SESSION**

Mr. Walker moved, seconded by Mr. Chase, to re-enter Closed Session under the motions previously stated.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

The Board re-entered into closed session at 7:47 p.m.

The Board returned to open session at 8:15 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes – Chase, Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

**RE: ACCEPTANCE OF RESIGNATION FROM THE RAPPAHANNOCK RAPIDAN  
COMMUNITY SERVICES BOARD**

Mr. Walker moved, seconded by Mrs. Hansohn, to regretfully accept Cathy Zielinski's resignation from the Rappahannock Rapidan Community Services Board and Area Agency on Aging.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**RE: ACCEPTANCE OF RESIGNATION FROM THE LIBRARY BOARD**

Mr. Walker moved, seconded by Mr. Nixon, to regretfully accept Deane Collie Beard's resignation from the Library Board representing the East Fairfax District.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**RE: ACCEPTANCE OF RESIGNATION FROM ECONOMIC DEVELOPMENT ADVISORY  
COMMISSION**

Mr. Walker moved, seconded by Mr. Lee, to regretfully accept Timothy B. Morris' resignation from the Economic Development Advisory Commission.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

## **RE: AUTHORIZATION TO ADVERTISE FOR VACANCY ON LIBRARY BOARD**

Mr. Walker moved, seconded by Mr. Nixon, to advertise for the vacancy on the Library Board to represent the East Fairfax Magisterial District.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

## **RE: RE-APPOINTMENT TO AGRICULTURAL RESOURCE ADVISORY COMMITTEE**

***Mr. Walker moved, seconded by Mrs. Hansohn, to re-appoint Donald L. Kilby to the Agricultural Resource Advisory Committee.***

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

## **RE: APPOINTMENT TO PARKS & RECREATION ADVISORY COMMITTEE**

***Mr. Walker moved, seconded by Mr. Lee, to appoint Kathleen Jenkins to the Parks & Recreation Advisory Committee to represent the Cedar Mountain District.***

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

## **RE: AUTHORIZATION TO RE-ADVERTISE FOR A VACANCY ON THE PARKS & RECREATION ADVISORY COMMITTEE**

Mr. Walker moved, seconded by Mr. Lee, to re-advertise for the vacancy on the Parks & Recreation Advisory Committee to represent the Salem District.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

## **RE: AUTHORIZATION TO ADVERTISE FOR VACANCY ON ECONOMIC DEVELOPMENT ADVISORY COMMISSION**

***Mr. Walker moved, seconded by Mrs. Hansohn, to advertise the vacancy on the Economic Development Advisory Commission.***

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: AUTHORIZATION TO ADVERTISE FOR VACANCY ON RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD

***Mr. Walker moved, seconded by Mr. Nixon, to advertise for a vacancy on the Rappahannock-Rapidan Community Services Board.***

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: AUTHORIZATION TO ADVERTISE FOR APPOINTMENT TO CULPEPER RECREATION FOUNDATION, INC.

***Mr. Walker moved, seconded by Mr. Lee, to advertise for an appointment on the Culpeper Recreation Foundation, Inc.***

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: AUTHORIZATION TO ADVERTISE FOR NOMINEES FOR THE CULPEPER COLONEL AWARD

***Mr. Walker moved, seconded by Mrs. Hansohn, to advertise for nominees for the Culpeper Colonel Award.***

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: WAIVE RECOVERY OF OVERPAYMENT

***Mr. Walker moved, seconded by Mr. Nixon, that the Board waive recovery of overpayment to approximately 20 present and former dispatchers in the amount of \$8,484.30, such overpayment as being caused by a computer error.***

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

## **ADJOURNMENT**

Mr. Lee moved to adjourn at 8:22 p.m. Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

## **RE: LEGISLATIVE COMMITTEE**

Mr. Bossio, County Administrator, brought this matter forward because the Legislative Committee meeting scheduled for this afternoon was not held and the issue was time sensitive.

Mr. Bossio reported there have been discussions with the Department of Juvenile Justice on the possibility that the Juvenile Center be used as a regional facility or a private jail and/or prison. It was his understanding that the State would be placing juveniles in the facility and Culpeper County was authorized to keep its beds. He said even with the program or if the County constructed its own jail facility, a Jail Corrections Plan must be submitted to the Senate floor by January 10<sup>th</sup>. He asked for the Board's consensus to submit language to Senator Edd Houck so it could be put on the Senate floor by January 10<sup>th</sup>. He said the plan would cost about \$40,000, and if the Plan were approved, the State would pay at least 50% of the cost. He asked if there were any objections if the language was submitted to Senator Houck as part of the Legislative packet. There were no objections.

Minutes prepared by:

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Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman

ATTEST:

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Frank T. Bossio  
Clerk to the Board